The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMNI INNOVATIONS, LLC, a Washington limited liability company; JAMES S. GORDON, JR., a married individual; EMILY ABBEY, an individual; and GRIFFIN ONLINE DOMAIN, LLC, a Washington limited liability company,

Plaintiffs,

v.

INVIVA, INC., a Kentucky and Delaware corporation, d/b/a American Life Direct, and American Life Insurance Co. of New York; LAURENCE GREENBERG and JANE DOE GREENBERG, individually and as part of their marital community; and JOHN DOES I-X,

Defendants.

Case No. 06-cv-01537-JCC

JOINT STATUS REPORT

Counsel for defendants Inviva, Inc. (“Inviva”) and Laurence Greenberg (together, “Defendants”), and counsel for plaintiffs Omni Innovations, LLC (“Omni”), James S. Gordon, Jr., Emily Abbey, and Griffin Online Domain, LLC (collectively, “Plaintiffs”), conducted an early meeting of counsel pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 16, telephonically on February 16, 2007. The parties submit this Joint Status Report and respectfully request that the Court adopt the deadlines and stipulations proposed herein as part of its scheduling order.

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1. Filing of Amended Complaint.

The parties agree that Plaintiffs will file an amended complaint that does not name Laurence Greenberg or Jane Doe Greenberg as defendants. Plaintiffs reserve the right to move to amend their pleading later to name the Greenbergs if Plaintiffs discover evidence leading to the conclusion that the Greenbergs are personally liable.

2. Proposed Discovery Plan.

A. A telephone conference between Plaintiff and Defendant took place on February 16, 2007. The parties will exchange initial disclosures not later than February 28, 2007.

B. The expense of discovery can be minimized by agreement of all parties to cooperate to proceed informally whenever possible. The parties agree that each responding party will Bates stamp all paper and PDF documents produced. The parties further agree they will accept e-mail service of all documents, including service of propounding discovery and discovery responses, and any other documents required to be served (*e.g.*, service of papers filed under seal). E-mail service on Plaintiffs will be valid upon delivery to both <bob@ijusticelaw.com> and <doug@mckinleylaw.com>. E-mail service on Defendants will be valid upon delivery to all of <dn@newmanlaw.com>, <roger@newmanlaw.com>, and <diana@newmanlaw.com>.

C. Defendants request the Court order the parties not to produce any duplicate documents in response to discovery requests. Plaintiffs do not agree to this request, but Plaintiffs would agree to an order requiring the parties to use "best efforts" to avoid duplicative production.

3. Discovery Cutoff; Motions Cutoff.

The parties desire that discovery be completed by and that all discovery motions be filed on or before October 16, 2007. The Court generally sets a discovery motion cutoff of thirty days before the discovery cutoff. The parties respectfully request they be

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permitted to file discovery motions up to and including the discovery cutoff. In the event the Court grants a discovery motion after the discovery cutoff, then the parties would conduct further discovery limited to the relief described in such an order.

The parties desire that the dispositive motion filing deadline be November 15, 2007.

4. Trial Date.

The parties believe this matter will be ready for trial by April 15, 2008. The parties request that trial be scheduled for a date which is at least five months after the filing deadline for dispositive motions so that the Court may rule before the parties begin preparing for trial on claims that may be disposed of.

5. Jury or Bench Trial.

Neither party has made a jury demand, but all parties reserve the right to do so on or before the deadline provided by the Federal Rules of Civil Procedure.

6. Length of Trial.

The parties agree that the case can be tried in five (5) days.

7. Trial Attorneys.

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DATED this 22nd day of February, 2007.

Respectfully Submitted,

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